



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,534	03/29/2007	Niels Alexander Rozendaal	0470-053863	9880

28389 7590 08/29/2008  
THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219

EXAMINER

WILSON, GREGORY A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

08/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,534

**Applicant(s)**

ROZENDAAL, NIELS ALEXANDER

**Examiner**

Gregory A. Wilson

**Art Unit**

3749

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-49 and 51-53 is/are allowed.
- 6) ☒ Claim(s) 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

The disclosure is objected to because of the following informalities:

On page 4, line 12, change "though" to –through--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 50** is rejected under 35 U.S.C. 102(b) as being anticipated by **Bergsand et al (4,422,210)**. **Bergsand et al** discloses an installation for the internal cleaning of tubes (such as fire tubes of a boiler) and includes a device (SEE Figures 1 & 5) with a scraper member (which can be a brush or other mechanical means, SEE column 2, lines 32-38) that is fixed to a movement member (10) capable of moving members for scraping each of the tubes (14), a guide (19) which is movable to position the tubes with the cleaning structure and is movable along rails (20, 51) enabling connection means

(16, 17) to be brought into interaction with the opening means to the tubes which can be covered by a valve in which case the connection means would interact with the valve. The installation for internal cleaning of the tubes is capable of being adapted for use with a number of devices having tubes which need cleaning (this includes the applicants nominal recitation of a boiler having a flue box).

**Claim 50** is rejected under 35 U.S.C. 102(b) as being anticipated by **Barry et al (4,724,007)**. **Barry et al** discloses a device used for cleaning the interior surface of heat exchanger pipes/tubes (but could also be applied to fire tubes in a boiler), the device includes a scraper member (launcher tip 14 and pig 23) fixed to a movement member (45, 46), a guide (43) capable of positioning the scraper member directly in front of the open end of a (for example) fire tube (SEE Figure 4) such that the scraper member is movable from the guide into the tubes, the guide member is movable on a frame (41) transversely with respect to the longitudinal direction of the tubes and as shown in Figures 4, 6 and 15 the installation would be suitable for use with a boiler having a flue box *"into the end of which the fire tubes open, which flue box has an opening provided with a closing valve opposite each tube"*, **Barry et al** furthermore discloses an operating mechanism (10) that can be brought into interaction with an open end of the tubes in such a way that if the tube end is covered by a closing valve, the mechanism could force open the valve.

**Claim 50** is rejected under 35 U.S.C. 102(b) as being anticipated by **v.d. Woude (5,348,234)**. **V.d. Woude** discloses a device for cleaning the inner surfaces of heat exchanger pipe bundles (but is capable of being applied to fire tubes in a boiler) and includes a scraper member (lances 25 which act as brushes) that is fixed to a movement member (19) (SEE Figure 1) for moving the lances (25) through one or more tubes at a time (SEE Figures 1 & 4), a guide (74) capable in aiding in the positioning of the lances directly in front of the open end of a [fire tube] (SEE Figure 4), such that the lances are movable from the guide into the tubes, the guide (74) is movable on a frame (71) transversely with respect to the longitudinal direction of the fire tubes, the installation is suitable for use with a boiler having a flue box, the device has an operating mechanism (26) that can be brought into interaction with the open end of the tubes.

***Allowable Subject Matter***

**Claims 26-49 and 51-53** are allowed.

The following is a statement of reasons for the indication of allowable subject matter: **The primary reason for allowance is that independent claim 26 positively recites the combination of a boiler provided with fire tubes with a flue box located at the end of the boiler where the fire tubes open, which flue box has openings that are each located opposite a fire tube and wherein each of the openings are provided with a closing valve.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory A. Wilson/  
Primary Examiner, Art Unit 3749  
August 27, 2008